

**To:** Richard Parkin/R10/USEPA/US@EPA;Tami Fordham/R10/USEPA/US@EPA[]; ami Fordham/R10/USEPA/US@EPA[]  
**From:** Rob Rosenfeld  
**Sent:** Thur 7/7/2011 10:51:02 PM  
**Subject:** Fwd: DNR letter from NVT  
[lettertyonekDNR1.doc](#)  
[russell.kirkham@alaska.gov](mailto:russell.kirkham@alaska.gov)  
[907.269.8650](tel:907.269.8650)  
[robrosey@gmail.com](mailto:robrosey@gmail.com)  
[robrosey@gmail.com](mailto:robrosey@gmail.com)  
[robrosey@gmail.com](mailto:robrosey@gmail.com)  
<http://www.rivernetwork.org/events/national-river-rally-2010>  
[NVT\\_Admin@tyonek.net](mailto:NVT_Admin@tyonek.net)  
[907-583-2201](tel:907-583-2201)  
[907-583-2442](tel:907-583-2442)  
[robrosey@gmail.com](mailto:robrosey@gmail.com)

>  
> May 23rd, 2011  
>  
> RE: Government to Government Consultation with the DNR leadership:  
>  
> Russell Kirkham  
> Alaska Department of Natural Resources  
> 550 W 7th Ave, Ste 900 B  
> Anchorage, AK 99501-3577  
> [russell.kirkham@alaska.gov](mailto:russell.kirkham@alaska.gov)  
> Phone: 907.269.8650  
>  
> Dear Mr. Kirkham:  
>  
> NVT – IRA Tribal Council formally requests ongoing quarterly  
> Government to Government meetings with the Commissioner of the Alaska  
> Department of Natural Resources to address the Chuitna Coal Mine  
> Proposal, Draft SEIS and any other issues of concern. We would like  
> these meeting to begin in June or July of 2011.  
>  
> We request respectful and meaningful State – Tribal relations and  
> would like to initiate this process as soon as possible.  
>  
> Please do refer to Administrative Order No. 186 which indicates this  
> very important standing order. Relevant aspects of Order No. 186 are  
> pasted below for your reference.  
>  
> “ADMINISTRATIVE ORDER NO. 186 - The State of Alaska's Relationship with  
> Tribes  
> I declare that it is the commitment and policy of the State of Alaska,  
> consistent with the Constitutions of the United States and the State  
> of Alaska, to work on a government-to-government basis with Alaska's  
> sovereign Tribes, which deserve the recognition and respect accorded  
> to other governments. The State of Alaska has a long-standing  
> commitment to local self-government that is rooted in the belief that  
> the best and most effective solutions to local problems are those that

> are conceived locally.

>

> The State recognizes the value in establishing a comprehensive and

> mutually respectful State-Tribal relations policy in an effort to

> promote and enhance Tribal self-government, economic development, a

> clean and healthy environment, and social, cultural, spiritual, and

> racial diversity. The State is committed to working with Tribes to

> further strengthen Alaska's ability to meet the needs of Alaska's

> communities and families.

>

> The principles set out in this Order shall be the foundation upon

> which State government officials, at all levels, will work with Tribal

> representatives to build a framework for promoting mutually respectful

> State-Tribal relations, protocol, and policy. "

>

> Thank you for your proactive consideration of this important request.

>

> Sincerely:

>

>

> President Frank Standifer III

>

>

> On 5/19/11, Rob Rosenfeld <robrose@gmail.com> wrote:

>> This is still active and has not been rescinded. This should help with

>> DNR and ADEC

>>

>> TONY KNOWLES

>> GOVERNOR

>> STATE OF ALASKA

>> OFFICE OF THE GOVERNOR

>> JUNEAU

>> September 29, 2000

>>

>>

>>

>> ADMINISTRATIVE ORDER NO. 186

>>

>> I, Tony Knowles, Governor of the State of Alaska, under the authority

>> granted by art. III of the Alaska Constitution, hereby establish by

>> this Order the policy of the State of Alaska on Tribes and their

>> Tribal governments (hereinafter referred to as "Tribes").

>>

>> The recognition of Tribes is a function of the federal government. The

>> federal recognition of Tribes arises out of the special relationship

>> between the United States and Tribes. Tribes can be federally

>> recognized as having Tribal status by Congressional Act, executive

>> action, or judicial determination.

>>

>> Tribes existed in Alaska before the formation of the United States and

>> the State of Alaska. The existence of Tribes in Alaska, and their

>> inherent sovereignty, has been recognized by all three branches of the

>> federal government.

>>  
>> The State of Alaska recognizes the important contribution Alaska's  
>> Tribes make to the citizens of Alaska. The State of Alaska recognizes  
>> that funds generated by the Tribes represent a large positive economic  
>> and social impact on the entire state and its citizens. The State of  
>> Alaska recognizes and values the revenue and services that Alaska's  
>> Tribes contribute to the state's economic and social well-being by  
>> virtue of their direct Tribal authority and responsibility for the  
>> delivery of social, economic, cultural, and other programs and  
>> services.  
>>  
>> It is of paramount importance to all residents of Alaska to foster a  
>> constructive and harmonious relationship between the Tribal and State  
>> governments. The State of Alaska must work together with Tribal  
>> governments to develop mutual respect for the rights,  
>> responsibilities, and interests of all parties. The relationship  
>> between our governmental structures can only be built through trust  
>> and mutual respect.  
>>  
>> Tribes Exist in Alaska  
>>  
>> This Order is intended to make clear for all State and federal  
>> agencies, the courts, the Tribes, and the public that the State of  
>> Alaska recognizes and respects the governmental status of the  
>> federally recognized Tribes within the boundaries of Alaska.  
>>  
>> I hereby acknowledge the legal and political existence of the  
>> federally recognized Tribes within the boundaries of Alaska. I further  
>> acknowledge the legal authority of the federal government to recognize  
>> the existence and governmental status of Tribes in Alaska. It is also  
>> the policy of the State of Alaska to acknowledge any additional Tribes  
>> in Alaska that may be recognized by the federal government in the  
>> future.  
>>  
>> The State of Alaska's Relationship with Tribes  
>>  
>> I declare that it is the commitment and policy of the State of Alaska,  
>> consistent with the Constitutions of the United States and the State  
>> of Alaska, to work on a government-to-government basis with Alaska's  
>> sovereign Tribes, which deserve the recognition and respect accorded  
>> to other governments. The State of Alaska has a long-standing  
>> commitment to local self-government that is rooted in the belief that  
>> the best and most effective solutions to local problems are those that  
>> are conceived locally.  
>>  
>> The State recognizes the value in establishing a comprehensive and  
>> mutually respectful State-Tribal relations policy in an effort to  
>> promote and enhance Tribal self-government, economic development, a  
>> clean and healthy environment, and social, cultural, spiritual, and  
>> racial diversity. The State is committed to working with Tribes to  
>> further strengthen Alaska's ability to meet the needs of Alaska's  
>> communities and families.  
>>

>> In December 1999, I invited the Tribes of Alaska to enter into a  
>> government-to-government dialogue with the State for the purpose of  
>> establishing a framework for ongoing State-Tribal relations. This  
>> dialogue shall be consistent with voluntary ongoing consultation and  
>> the principles of self-determination and self-governance of each  
>> Tribe.

>>

>> The principles set out in this Order shall be the foundation upon  
>> which State government officials, at all levels, will work with Tribal  
>> representatives to build a framework for promoting mutually respectful  
>> State-Tribal relations, protocol, and policy.

>>

>> This Order supersedes and revokes Administrative Order No. 125, dated  
>> August 16, 1991.

>>

>> This Order takes effect immediately.

>>

>> Dated at Anchorage, Alaska, this 29th day of September, 2000.

>>

>> S/S Tony Knowles  
>> Tony Knowles  
>> Governor

>>

>> On 5/19/11, Rob Rosenfeld <robrosey@gmail.com> wrote:

>>> Hi Julia:

>>>

>>> I have drafted this second letter at the request of President  
>>> Standifer to capture some of the important requests to the Army Corps.  
>>> Please review with Council, modify as needed and send the final  
>>> version to the corps and I. Thanks Rob

>>>

>>> May 23, 2011

>>>

>>> Serena Sweet  
>>> U.S. Army Corps of Engineers, Project Manager  
>>> P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898

>>>

>>> Dear Ms. Sweet:

>>>

>>> This letter is being written to: 1) request Government to Government  
>>> Consultation with the Army Corps leadership, 2) request initial  
>>> changes to the draft MOU regarding the draft SEIS, 3) Request 100  
>>> copies of the preliminary draft, draft and final SEIS upon completion,  
>>> 4) request a visual organization diagram of Army Corps of Engineers  
>>> in Alaska and Nationally, 5) request the draft outline to the draft  
>>> SEIS so that the NVT – IRA Tribal Council may review and give input,  
>>> 6) Provide DOD and Army Corps (National and Alaska) Native American  
>>> and Alaska Native Tribal Government to Government and Consultation  
>>> Policies, Protocols and Implementation strategies Electronic and hard  
>>> copies (20 copies).

>>>

>>> Government to Government Consultation with the Army Corps leadership:  
>>> NVT – IRA Tribal Council formally requests ongoing quarterly

>>> Government to Government meetings with the Colonel of the Army Corps  
>>> of Engineers / Alaska Command, to address the Chuitna Coal Mine  
>>> Proposal, Draft SEIS and any other issues of concern. We would like  
>>> these meeting to begin in June of 2011.  
>>>  
>>> Initial changes to the draft MOU regarding the draft SEIS: Please  
>>> integrate and /or address the following requested changes into the  
>>> proposed MOU. The following requests may not represent all of the  
>>> requests coming from NVT – IRA Tribal Council.  
>>>  
>>> • Section IV. Termination, #4d: “The Applicant will hold harmless  
>>> both the Corps and the cooperating agencies and their officers,  
>>> agents, and employees, from any claims, demands, causes of action and  
>>> the like, which may arise from a contract dispute of the contract, or  
>>> the MOU. “ This section must be removed, amended or clarified.  
>>> • Section VII. MISCELLANEOUS: #2: Add the word, “Tribal” to the  
>>> phrase, “in accordance with all applicable Federal, and State laws and  
>>> regulations.  
>>> • Section VII. MISCELLANEOUS: #2: Add the phrase, “This agreement  
>>> does not take the place of the federal government responsibility to  
>>> consult with potentially impacted tribes on a government to government  
>>> basis”.  
>>> • Section VII. MISCELLANEOUS: #8: Add the phrase as the third  
>>> sentence, “Accept Government to Government agreements with potentially  
>>> impacted federally recognized tribes.”  
>>> • Section II. General Provisions, #8c, Add the word, “Tribal” in the  
>>> first sentence.  
>>>  
>>> Copies of the draft SEIS: NVT – IRA Tribal Council formally requests  
>>> 100 copies of the preliminary draft SEIS, draft SEIS and final SEIS to  
>>> be delivered to our Tribal Office in Tyonek.  
>>>  
>>> Visual organization diagram of Army Corps in Alaska and Nationally:  
>>> Please send this electronically and provide 20 hard copies for our  
>>> council to review prior to our June 8th council meeting.  
>>>  
>>> Draft outline to the SEIS so that the NVT – IRA Tribal Council may  
>>> review and give input: Please send hard copies (20 copies) to our  
>>> office and electronic versions to all Council Members and to our  
>>> advisor, Rob Rosenfeld.  
>>>  
>>> DOD and Army Corp (National and Alaska) Native American and Alaska  
>>> Native Tribal Government to Government and Consultation Policies,  
>>> Protocols and Implementation strategies: Please send 20 sets of  
>>> hard copies and electronic copies by June 1st, 2011, to our Tribal  
>>> Office in Tyonek.  
>>>  
>>> Please send all documents requested and responses to the above in  
>>> electronic form and hard copies to all of our council members and to  
>>> our Advisor / Rob Rosenfeld.  
>>>  
>>> Sincerely  
>>>

>>>  
>>>  
>>> President Frank Standifer III  
>>>  
>>>  
>>> On 5/16/11, Rob Rosenfeld <robrosey@gmail.com> wrote:  
>>>> Hi Julia  
>>>>  
>>>> Here is the link to the website that contains the agenda. It is a few  
>>>> day  
>>>> conference with many options for sessions. Their are some excellent  
>>>> sessions  
>>>> on the use of media for advocacy work, building partnerships,  
>>>> fundraising,  
>>>> water quality monitoring, the clean water act and more.  
>>>>  
>>>> The costs will only be. per diem for the time away (although at least  
>>>> 3-4  
>>>> meals are provided - so only partial per diem is needed) and  
>>>> transportation  
>>>> from the airport to the conference (shuttles maybe provided for free)  
>>>> other then that Hotel is covered (shared room but extra can be paid  
>>>> for  
>>>> a  
>>>> single) and registration is covered and roundtrip airfare is covered.  
>>>>  
>>>> The hotel / registration = \$895 and the airfare will be about \$900 -  
>>>> both  
>>>> of  
>>>> which are covered. So it is about an \$1,800 scholarship. They call me  
>>>> every  
>>>> year to help select some folks from Alaska. I thought it would be great  
>>>> to  
>>>> offer this opportunity to the Tribes from the Cook Inlet the year.  
>>>>  
>>>> <http://www.rivernetwork.org/events/national-river-rally-2010>  
>>>>  
>>>> The above site will bring you to the 2011 agenda. This is a conference  
>>>> I  
>>>> have gone to about 8 of the past 11 years. Angie Wade is going from  
>>>> Knik  
>>>> tribe and Patricia Wade from Chickaloon and at least one staff from  
>>>> Cook  
>>>> Inlet Keeper. There will be other tribes from the lower 48 that will  
>>>> also  
>>>> attend.  
>>>>  
>>>> Thank you Rob  
>>>>  
>>>>  
>>>>  
>>>> On Mon, May 16, 2011 at 3:31 PM, Julia Shanagin  
>>>> <NVT\_Admin@tyonek.net> wrote:

>>>>  
>>>>> Rob, please send me a briefing on the what will be discussed at the  
>>>>> meeting  
>>>>> and what the costs will be to NVT so that I can relay it to the  
>>>>> council  
>>>>> members that may interested, I am looking for a council member to go  
>>>>> on  
>>>>> this, before I say go ahead on Brandy.  
>>>>>  
>>>>>  
>>>>>  
>>>>> Julia  
>>>>>  
>>>>>  
>>>>>  
>>>>>  
>>>>>  
>>>>> There are two primary choices in life; Accept conditions as they  
>>>>> exist,  
>>>>> or  
>>>>> accept the responsibility for changing them ~ Author Unknown  
>>>>>  
>>>>>  
>>>>> Julia Shanagin  
>>>>>  
>>>>> Native Village of Tyonek  
>>>>>  
>>>>> Tribal Administrator  
>>>>>  
>>>>> P.O. Box 82009  
>>>>>  
>>>>> Tyonek, AK 99682  
>>>>>  
>>>>> 907-583-2201 Ph  
>>>>>  
>>>>> 907-583-2442 Fax  
>>>>>  
>>>>>  
>>>>>  
>>>>> \*From:\* Rob Rosenfeld [mailto:robrosey@gmail.com]  
>>>>> \*Sent:\* Monday, May 16, 2011 12:47 PM  
>>>>> \*To:\* Julia Shanagin  
>>>>> \*Subject:\* River Network deadline approaching  
>>>>>  
>>>>>  
>>>>>  
>>>>> Hi Julia:  
>>>>>  
>>>>>  
>>>>>  
>>>>> We are getting close to having to submit the name of the person that  
>>>>> Tyonek

>>>>> would like to send to the National River Rally in Charleston North  
>>>>> Carolina  
>>>>> June 3-7th. (if you would like to send someone). A plane ticket will  
>>>>> need  
>>>>> to be purchased soon to benefit from two weeks advance purchase.  
>>>>> Please  
>>>>> let  
>>>>> me know by Wed and If you decide not to send someone I will try to  
>>>>> make  
>>>>> the  
>>>>> opportunity available for someone else. Someone from Knik Tribe and  
>>>>> Chickaloon Tribes are going. Roundtrip airfare, hotel and registration  
>>>>> and  
>>>>> a  
>>>>> few meals are covered.  
>>>>>  
>>>>>  
>>>>>  
>>>>> It sounds like Brandy is interested.  
>>>>>  
>>>>>  
>>>>>  
>>>>> Thanks Rob  
>>>>>  
>>>>  
>>>  
>>  
>